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3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE NORTHERN DISTRICT OF NEW YORK**

5 JANE DOE, et al.

6 Plaintiffs,

7 vs.

8 HOWARD ZUCKER, et al.

9 Defendants.  
10

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

DECLARATION OF K.W. IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A PRELIMINARY  
INJUNCTION

11  
12 A.M., pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

13 1. I am the parent of two medically fragile children whose physicians have  
14 determined cannot be vaccinated due to the risk of harm.

15 2. I write this affidavit in support of the Plaintiffs' motion for a preliminary  
16 injunction and as a potential class member in this suit.  
17

18 3. In August 2019, we submitted medical exemptions for our children to a private  
19 Catholic school in New York State. I was aware that there were schools that were arbitrarily  
20 overruling medical exemptions in the district. I asked the school to provide confirmation about  
21 whether the exemptions were accepted or not before I signed a contract or paid tuition.  
22

23 4. The school nurse reviewed the exemptions and the school principal promptly let  
24 me know that the exemptions were accepted. In reliance, I signed the contract and paid tuition  
25 and my children started school.

26 DECLARATION OF K.W. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION -  
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2 5. In October 2019, without my permission or knowledge, the school forwarded my  
3 children's medical exemption to the public school's district consulting physician.  
4

5 6. At the end of October, the head of our school told me that our children's medical  
6 exemption was going to be overruled because the public school's doctor did not think it met the  
7 legal criteria for the new health department regulations issued in August. They did not provide  
8 any further detail about why. I was given a week to subject my children to vaccines that their  
9 physician felt could endanger them or to leave school without reimbursement for the tuition paid.  
10

11 7. My exemption was certified by a physician licensed to practice in New York and  
12 familiar with my children who agreed that immunization would put them at risk.

13 8. Tremendous stressful back and forth ensued. The Catholic school admitted that  
14 they had accepted the exemption in August. The head of the school said that the reason that she  
15 decided to revisit the issue was that she'd been given guidance that she could be fined \$2,000 a  
16 day if the department of health disagreed that the children met the legal criteria set forth in the  
17 new regulations, and she could not risk that.  
18

19 9. I consulted a second physician licensed to practice in New York who concurred  
20 that it was not safe to immunize my children. On or about November 3, 2019, I asked the school  
21 if they would allow my children more time to stay in school so that the second physician could  
22 write a corroborating medical exemption for them. This request was declined. My children were  
23 forced to leave school on November 4<sup>th</sup>.  
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3 10. The experience was devastating for them. They could not understand why they  
4 were not welcome at school. We were at a loss suddenly trying to juggle work and have young  
5 children out of school all day needing an education.

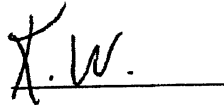
6 11. Ultimately, we had to hire an attorney and go through enormous expense and  
7 stress. After substantial legal negotiation, my children were re-admitted in January 2020 and  
8 allowed to remain in school pending a review by the Department of Health of the second medical  
9 exemption.  
10

11 12. The Department of Health did not respond. We spent the whole rest of the school  
12 year walking on eggshells, not knowing if at any moment we would hear back, and our children  
13 would be removed from school abruptly as they had been in November.

14 13. This experience has been emotionally, financially, and psychologically  
15 devastating. My children and family already struggle with so many health issues. These new  
16 policies and regulations are too much.  
17

18 14. Wherefore, I respectfully ask this Court to grant the relief and let our children  
19 remain in school this upcoming year pending the outcome of this case.  
20

21 RESPECTFULLY SUBMITTED this 7 day of August, 2020

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23  
24 K.W.

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26 DECLARATION OF K.W. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION -  
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